

REMARKS***Summary of the Amendment***

Upon entry of the above amendment, the specification and claims 85-92, 98-106, 113-125 and 127-130 will have been canceled without prejudice or disclaimer, and claims 93, 94, 97, 107, 111, 126 and 131 will have been amended. Moreover, Applicants have expressly reserved the right to refile the subject matter of these canceled claims in one or more continuation applications. Accordingly, claims 93-97, 107-112, 126 and 131 will be pending.

Summary of the Official Action

In the final Office Action, the Examiner has indicated that claims 107 - 110 are allowed and that claims 93-97, 111, 112, 126 and 131 contain allowable subject matter and would be allowable if presented in independent forms that include all of the features of their base claims and any intervening claims. Additionally, the Examiner rejected claims 85-92, 98-106, 113-125 and 127-130 over the art of record. By the present amendment and remarks, Applicants submit that the rejections have been overcome, and respectfully request reconsideration of the outstanding Office Action and allowance of the present application.

Interview of October 28, 2004

Applicants appreciate the courtesy extended by Examiner Hug in the telephone

interview of October 28, 2004. In that interview, Applicants' representative discussed, among other things, that Applicants would be replacing the term "flowbox" with the term "headbox" throughout the specification and claims. It was specifically pointed out to the Examiner that the term "headbox" is fully supported by the originally filed PCT International Application and that a more accurate and correct literal English language translation of the German term "stoffauflauf" of the PCT International Application is "headbox" and not "flowbox". Applicants' representative also noted that the term "headbox" is understood and defined in the art of papermaking as a flowbox. Finally, Applicants' representative argued that replacing the term "flowbox" with "headbox" does not raise issues of new matter and would not require further search and consideration. The Examiner agreed to consider entering such an amendment upon Applicants' filing of a response to the instant final Office Action.

Applicants' representative also discussed the rejection of claims 85 and 130 pointed out that it would not have been obvious to combine the teachings of the applied documents in order to render unpatentable the invention recited in at least claims 85 and 130. The Examiner disagreed and indicated that he was unlikely to withdraw the current rejection.

Present Amendment is proper for entry

Applicants submit that the instant amendment is proper for entry after final rejection. In particular, Applicants note that no question of new matter nor are any new issues for

consideration by the Examiner are raised in entering the instant amendment of the specification and claims and that no new search would be required.

Applicants note, that for the reasons set forth in the above-noted telephone interview with Examiner Hug, replacing the term “flowbox” with “headbox” does not raise issues of new matter and would not require further search and consideration.

Moreover, Applicants submit that no new issues are raised by the amendment to claims 93, 97, 111, 126 and 131 because claim 97 was amended in a manner suggested by the Examiner, and because claims 93, 111, 126 and 131 were presented in independent form to include the features of their respective base claims and any intervening claims consistent with the Examiner’s indication that these claims (and the claims which depend therefrom) would be allowable if presented in independent form.

Moreover, Applicants submit that the instant amendment places the application in condition for allowance, or at least reduces the number of issues to place the application in better form for appeal.

Accordingly, Applicants request that the Examiner enter the instant amendment, consider the merits of the same, and indicate the allowability of the present application and each of the pending claims.

Acknowledgment of Allowable Subject Matter

Applicants gratefully acknowledge the Examiner's indication that claims 107 - 110 are allowed. Applicants further acknowledge that claims 93 - 97, 111, 112, 126 and 131 contain allowable subject matter and would be allowable if presented in independent form to include all of the features of its base claim and any intervening claims. Accordingly, by the present amendment, claims 93, 111, 126 and 131 have been presented in independent and allowable form. Accordingly, in addition to claims 107 - 110, claims 93 - 97, 111, 112, 126 and 131 are now believed to be allowable.

The Claim Objection is Moot

Applicants submit that the objection to claims 97 is moot inasmuch as claim 97 has been amended to properly depend from claim 96 as correctly suggested by the Examiner.

As claim 97 now properly depends from claim 96, which is now in condition for allowance, Applicants respectfully request that the instant objection to claim 97 be withdrawn and that claim 97 be indicated to be allowed.

Rejection Under 35 U.S.C. § 103(a) is Moot

Applicants submit that the rejection of claims 95-92, 98-106, 113-125 and 127-130

as being unpatentable under 35 USC § 103(a) over HALMSCHLAGER in view of BUBIK et al. or ARMSTRONG et al. in moot.

While Applicants respectfully disagree with the above-noted rejection of these claims, Applicants are, in an effort to advance prosecution of the allowed/allowable claims, nevertheless canceling 95-92, 98-106, 113-125 and 127-130 in order to obtain allowance of claims 93-97, 107-112, 126 and 131.

Accordingly, Applicants respectfully request withdrawal of the above-noted rejection.

Application is Allowable

Thus, Applicants respectfully submit that each and every pending claim of the present invention meets the requirements for patentability under 35 U.S.C. §§ 102 and 103, and respectfully request the Examiner to indicate allowance of each and every pending claim of the present invention.

Authorization to Charge Deposit Account

The Commissioner is authorized to charge to Deposit Account No. 19 - 0089 any necessary fees, including any extensions of time fees required to place the application in condition for allowance by Examiner's Amendment, in order to maintain pendency of this application.

CONCLUSION

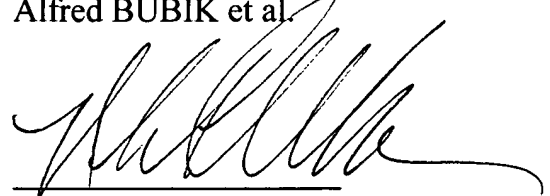
In view of the foregoing, it is submitted that none of the references of record, either taken alone or in any proper combination thereof, anticipate or render obvious the Applicants' invention, as recited in each of the pending claims. The applied references of record have been discussed and distinguished, while significant claimed features of the present invention have been pointed out.

Further, any amendments to the claims which have been made in this response and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Accordingly, reconsideration of the outstanding Office Action and allowance of the present application and all the claims therein are respectfully requested and now believed to be appropriate.

Should the Examiner have any questions or comments, he is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,
Alfred BUBIK et al.



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